



PUBLIC NOTICE

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**COMMENT SOUGHT ON SPRINT PETITION FOR DECLARATORY RULING
REGARDING THE ROUTING AND RATING OF TRAFFIC BY ILECs**

Pleading Cycle Established

CC Docket No. 01-92

Comments Due: August 8, 2002

Reply Comments Due: August 19, 2002

On May 9, 2002, Sprint Corporation (Sprint), on behalf of its wireless division, filed a petition for declaratory ruling seeking confirmation that: (1) an incumbent local exchange carrier (ILEC) may not refuse to load telephone numbering resources of an interconnecting carrier, and (2) an ILEC may not refuse to honor the routing and rating points designated by that interconnecting carrier.¹

According to Sprint, when it applies for a new NPA-NXX code² from the North American Numbering Plan Administrator (NANPA), Sprint is required to provide all relevant call rating and routing information for that NPA-NXX code. This call routing information includes not only the mobile switching center (MSC), but also includes the local access and transport area (LATA) tandem switch. The LATA tandem switch information is particularly important because few carriers interconnect directly with each other; rather, they connect to the public switched telephone network (PSTN) at a LATA tandem switch. According to Sprint, when a call is placed, the originating carrier routes the call to an end-user via the LATA tandem switch, which is generally operated by a regional Bell operating company (RBOC). The LATA

¹ *In the Matter of Sprint Corp. Petition for Declaratory Ruling Regarding the Routing and Rating of Traffic by ILECs*, CC Docket No. 01-92, Petition of Sprint (filed May 9, 2002) (Sprint Petition).

² The term NPA-NXX (numbering plan area code and central office code) refers to the first three digits (NPA) and the second three digits (NXX) of a ten-digit telephone number in the form NXX-NXX-XXXX, where N represents any one of the numbers 2 through 9 and X represents any one of the numbers 0 through 9. See 47 C.F.R. §§ 52.7(a) and (c).

tandem switch then forwards the call to the subtending MSC operated by the mobile carrier so that the call can terminate at the called party's mobile phone.³

The source of Sprint's concern is its contention that, in certain circumstances, BellSouth has signaled its intention to refuse to program its LATA tandem switches with Sprint's NPA-NXXs. In particular, where Sprint wishes to associate an NPA-NXX with a rate center of an ILEC other than BellSouth, and the rating and routing points are different (*e.g.*, the routing point could be Sprint's MSC, but the rating point would be an independent ILEC's rate center), Sprint contends that BellSouth's position is to refuse to load its LATA tandem switch with Sprint's call routing and rating information.⁴

According to Sprint, BellSouth effectively would require Sprint to interconnect directly with the independent ILEC, whose rate center Sprint wishes to be associated with, rather than directly with the BellSouth LATA tandem switch serving the independent ILEC's end office.⁵ Sprint asserts that it cannot economically justify the costs of a direct connection with the independent ILEC.⁶ The Sprint Petition also raises the obligation of the BellSouth to route calls to *existing* CMRS NPA-NXX codes that meet these same criteria.

On May 22, 2002, BellSouth filed an opposition to the Sprint Petition.⁷ According to BellSouth, it is currently loading NPA-NXXs that Sprint acquires. BellSouth also contends that it is not currently adversely affecting the routing of any Sprint traffic. In its opposition BellSouth states that it believes that the rating and routing arrangements described above result in inappropriate intercarrier compensation, claiming that "[v]arious forms of intercarrier compensation, including reciprocal compensation, access charges, and inter-company settlements could apply to this traffic."⁸ According to BellSouth, when a CMRS carrier does not interconnect directly with the independent ILEC and BellSouth transits calls with rate centers within the independent ILEC's calling area, but with routing points within BellSouth's calling area, the following questions need to be resolved: (1) does BellSouth provide Sprint with the equivalent of a virtual NPA-NXX,⁹ (2) does BellSouth have to modify its tariff, or (3) does a

³ Sprint Petition at 4-5

⁴ Sprint Petition at 2, 6-7.

⁵ Sprint Petition at 2, 7, 15-16.

⁶ Sprint Petition at 11.

⁷ The opposition was filed by BellSouth Corporation and BellSouth Telecommunications, Inc. (BellSouth). On June 6, 2002, Nextel Communications, Inc. and Triton PCS License Company, L.L.C. filed replies to the BellSouth opposition, and ALLTEL Communications, Inc. filed comments in support of Sprint's request.

⁸ BellSouth Opposition at 2.

⁹ Virtual NPA-NXX codes are central office codes that correspond with a particular geographic area that are assigned to a customer located in a different geographic area. *In the Matter of Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Notice of Proposed Rulemaking, 16 FCC Rcd 9610, para. 155 n.188 (2001).

new interconnection arrangement need to be defined and the appropriate charges be associated therewith.¹⁰ BellSouth contends that the issue underlying these questions is whether, in routing traffic outside of its exchange area, BellSouth is acting in a manner that is inconsistent with its state certificate of authority.¹¹ According to BellSouth, all of these questions are appropriate matters for state commissions to resolve.¹²

We seek comment on the practices and issues raised in Sprint's petition and BellSouth's opposition, including the appropriate intercarrier compensation applicable to the traffic described above, both under our existing rules and prospectively.

Sprint's Petition and BellSouth's Opposition raise interconnection and intercarrier compensation issues under consideration in CC Docket No. 01-92, *Developing a Unified Intercarrier Compensation Regime*.¹³ Accordingly, we ask that parties file their pleadings in CC Docket No. 01-92. The petition and other pleadings will be incorporated into CC Docket No. 01-92.

Pursuant to sections 1.415 and 1.419 of the Commission's rules,¹⁴ interested parties may file comments on or before August 8, 2002, and reply comments on or before August 19, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.¹⁵

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the filing to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic copy by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your email address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

¹⁰ BellSouth Opposition at 2, 3.

¹¹ BellSouth Opposition at 3 n.2.

¹² BellSouth Opposition at 3.

¹³ *In the Matter of Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Notice of Proposed Rulemaking, 16 FCC Rcd 9610 (2001).

¹⁴ 47 C.F.R. §§ 1.415, 1.419.

¹⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (1998).

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, Qualex International, Portals II, 445 12th Street S.W., CY-B402, Washington, D.C. 20554 (telephone 202-863-2893; facsimile 202-863-2898) or via e-mail at qualexint@aol.com. In addition, one copy of each submission must be filed with the Chief, Pricing Policy Division, Wireline Competition Bureau, and Chief, Policy Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Washington, D.C. 20554. Documents filed in this proceeding will be available for public inspection during regular business hours in the Commission's Reference Information Center, 445 12th Street, S.W., Washington, D.C. 20554, and will be placed on the Commission's Internet site.

This proceeding will be governed by "permit-but-disclose" *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.¹⁶ Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.¹⁷ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well. In addition, interested parties are to file any written *ex parte* presentations in this proceeding with the Commission's Secretary, Marlene H. Dortch, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554, and serve with three copies each: Pricing Policy Division, Wireline Competition Bureau, Attn: Victoria Schlesinger, and Policy Division, Wireless Telecommunications Bureau, Attn: Gregory Vadas, 445 12th Street, S.W., Washington, D.C. 20554. Parties shall also serve with one copy: Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893.

¹⁶ 47 C.F.R. § 1.1206.

¹⁷ See 47 C.F.R. § 1.1206(b)(2).

For further information, contact Steve Morris or Victoria Schlesinger, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1530, or Gregory Vadas, Policy Division, Wireless Telecommunications Bureau, (202) 418-1798.

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